IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
REVIEW APPLICATION (L) NO.55 OF 2006
IN
WRIT PETITION NO.754 OF 2005

Vijay Kanuga ...Petitioner.
V/s.
Maharashtra Housing & Area Development Authority (MHADA) & Ors. ...Respondents.

Mr.Sanjay Gawade with Mr.S.B.Kadam for Petitioner.
Mr.G.W.Mattos, A.G.P. for Respondent Nos.1,2 and 5.

CORAM: H.L.GOKHALE &
S.R.DONGAONKAR, JJ.
DATE : 25th April, 2006.

P.C.:

MENTIONED. NOT ON BOARD.

1. Heard Mr.Gawade in support of this Application which seeks review of the judgment rendered by us in Writ Petition No.754 of 2005 on 19th April, 2006. Mr.Gawade has not made any submissions pointing out any error in the judgment. The only request which he has made is that the petitioner is ready to accept the liability and to pay Rs.37,29,407/- but he may be granted appropriate instalments and time.

2. Mr.Mattos, A.G.P. appearing for respondents no.1,2 and 5 points out that the Housing Board is now in the process of allotting this flat by giving

advertisement. In pursuance to the said advertisement, he states that necessary steps are expected to be taken from Tuesday, 2nd May, 2006 onwards. Even so, if the petitioner is willing, in our view, he should be given an opportunity. In the circumstances, following paragraph be added in the judgment as paragraph 5A.

> " 5A. Though the petition is dismissed, we add that in the event petitioner is inclined to make payment, he will have the liberty to make payment of Rs.10 lakhs by Saturday, the 29th April, 2006. On that date, he must give an undertaking to the Housing Board that he is agreeable to pay the remaining amount of Rs.27,29,407 within two weeks thereafter. In the event, he pays this amount of Rs.10 lakhs and files his undertaking, Housing Board may not proceed with further steps for further period of two weeks. In the event, the remaining amount is paid, the petitioner will be put back in the flat which is allotted to him."

3. Mr.Gawade states that the petitioner is accepting the judgment.

4. In the event, the petitioner fails to comply with the facility given to him, it will be open to the Housing

Board to take further steps for re-allotment of flat.

5. Review Application stands disposed of.

(H.L.GOKHALE,J.)

(S.R.DONGAONKAR, J.)